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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/878,052	06/08/2001	Mitsuru Sendouda	NECN 18.738	1972
26304	7590	06/28/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			RUHL, DENNIS WILLIAM	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/878,052

Applicant(s)

SENDODA, MITSURU

Examiner

Dennis Ruhl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>20010608</u> | 6) <input type="checkbox"/> Other: ____  |

1. Claims 3,5 are objected to because of the following informalities: In claim 3 the word "a" looks like it should be inserted between the words "either user's" to make the sentence grammatically correct. For claim 5, the term "key" should be changed to "a key" to make the sentence grammatically correct. Also in claim 5, the term "the renal car" should be changed to "the **rental** car". Appropriate correction is required.

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-8 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 recites the limitation of "a car delivery system for delivering the specified car to the specified location". This is claiming a human being as part of the invention because a human being is what moves and delivers the car. The instant specification on page 7, states "the car rental agency 31 instructs another branch to deliver the car" so the car delivery system claimed is the employee(s) of the car rental agency and one cannot claim a human being as part of their invention. Claims 1-8 are reciting non-statutory subject matter.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Brandt et al. (5892905).

For claim 1, Brandt discloses a car rental system as claimed that has a rental agency computer connected by a network to a terminal unit 210. See the car rental example portion of the specification that begins in column 23. The car delivery system is disclosed in column 23, lines 30-41 and column 29, line 64-end.

For claim 2, see column 23, lines 53-57 where the claimed limitation is disclosed.

For claim 3, Brandt discloses a space for the car, which satisfies what is claimed. Brandt discloses the claimed limitation but the examiner would like to point out that a space is a space, and the type of space the car is stored in is not even part of the claimed system, so Brandt would be anticipatory even if he did not disclose having the car in a space (which is inherent anyway). Claim 3 is simply interpreted to be reciting a space and nothing more.

For claim 4, Brandt discloses the Internet as claimed.

5. Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Klein et al. (5726885).

For claims 1,4,8, Klein discloses a computer D connected by a network with terminal units that allow for the reservation of rental cars. The terminal units can be interpreted to be what is discussed in column 7, lines 4-10 or "HA" as disclosed by Klein. With respect to the recitation of a car delivery system, the examiner interprets this to be an employee of the car rental agency. It is inherent that the car rental agency will have an employee. The disclosed system that delivers the car from a review of the

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instant specification is an employee of the rental agency, so the examiner feels this interpretation is reasonable.

For claim 2, Klein discloses that the user inputs a rental order that includes the time. With respect to reciting that the car delivery system delivers the car at the specified time, this is a method limitation and lends no further structure to the system. The car delivery system of Klein is fully capable of delivering the car at the specified time and because of this is anticipatory.

For claim 3, the car to be rented in Klein is clearly parked in a space, which satisfies what is claimed. Reciting the type of space the car is parked is not reciting anything more about the claimed system and is given minimal patentable weight.

For claims 5,6, see column 4, lines 50-52.

For claim 7, the information on the card of Klein is fully capable of being registered or canceled as claimed. Claim 7 is reciting more of a method limitation than a structural limitation. Klein is fully capable of the claimed limitation and this is all that is needed to satisfy this claim.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hirshberg (5289369) discloses a car rental system relevant to the instant invention.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 703-308-2262. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703-308-2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**DENNIS RUHL**  
PRIMARY EXAMINER